IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8170 OF 2004

Smt.Smita R. Diwadkar Petitioner

versus

Smt.S.J.Shelar and others Respondents

D.S.Sakhalkar, adv. for petitioner.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 17th December 2004

PC :

1. Heard counsel for petitioner.

2. Petitioner is the original appellant in Civil Appeal No.91 of 1997. Initially the said civil appeal was dismissed by judgement and order dated 4th August 2003 delivered by Additional District & Sessions Judge, Raigad. Petitioner preferred Writ Petition No.6951 of 2003. The said writ petition along with Writ Petition No.8471 of 2003 preferred by the landlord were disposed of by a common order on 8th December 2003 by this Court. By consent of the parties the judgement and order of the Lower Appellate Court dated 4th August

2003 was set aside and the matter was remanded back to the Appellate Court to decide the appeal afresh. Parties were permitted to make application for bringing additional evidence on record.

3. It is contended that after the order of this Court, respondent applied for amendment of plaint in the Lower Appellate Court and the Lower Appellate Court by impugned order has allowed the same.

4. Admittedly, the civil appeal is pending. The impugned order is interlocutory and no interference is required in writ jurisdiction at this stage. It will be open for the appellant to raise the pleas which are raised in the present petition, if the final order of the Lower Appellate Court is adverse to him. Leaving all contentions open of both sides in that behalf, present petition is disposed of.

(S.C.DHARMADHIKARI, J.)